



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/1991/5
12 June 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Ninth session
22 July - 2 August 1990
Item 5 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF
INDIGENOUS POPULATION

Information received from non-governmental organizations

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION	1 - 3	2
I. INFORMATION SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS ..	4	3
A. International Work Group for Indigenous Affairs	4 - 13	3
B. Socialist International Women	14 - 20	5

INTRODUCTION

1. By its resolution 1982/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1990/26, requested the Secretary-General to transmit the report of the Working Group to indigenous peoples' and non-governmental organizations. The Commission on Human Rights made the same request in its resolution 1991/59 of 6 March 1991. In accordance with these resolutions, appropriate communications were sent to the above-mentioned organizations on 10 December 1990.

3. The present document contains replies received as of 4 June 1991 from indigenous and non-governmental organizations pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations. Further replies, if any, will be included in addenda to this document.

I. INFORMATION SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS

A. International Work Group for Indigenous Affairs

Human rights in the Chittagong Hill Tracts, Bangladesh

4. On 23 May 1991, the Chittagong Hill Tracts Commission investigating the human rights situation in the Chittagong Hill Tracts, Bangladesh, released its final report at the House of Lords in London. The report, entitled "Life is not Ours", provides a detailed account of what is happening in the Hill Tracts and contains hitherto unpublished information on the situation.

5. The Commission is chaired by Wilfried Telkämper, Vice-President of the European Parliament and Douglas Sanders, a professor of law from Canada. The other members of the Commission are Hans Pavia Rosing, member of the Danish Parliament from Greenland, Rose Murray, Aboriginal representative from Australia and Leif Dunfjeld, a Sami lawyer from Norway.

6. In December 1990, the Commission travelled throughout the Chittagong Hill Tracts and visited the refugee camps in Tripura, India. This was the first time that the Bangladesh authorities had allowed anyone unlimited and free access to all parts of the Hill Tracts, which is the homeland of twelve hill tribes numbering about 600,000 people. It is situated at the south-eastern corner of Bangladesh wedged between the Indian states of Tripura and Mizoram.

7. The hill people differ markedly from the Muslim Bengali majority of Bangladesh. The largest groups, the Chakma and Marma, are Buddhist, the Tripura people are Hindu while the smaller tribal peoples such as the Pankhua, Bawm and Mru are Christian. They practise a mixed farming of plough cultivation in the fertile valleys and swidden [cut and burn] agriculture on the hill slopes, known as jhum cultivation.

8. Between 1957 and 1963 the Government built a massive hydroelectric dam at Kaptai which flooded 54,000 acres of ploughland and took 40 per cent of the terrain available for cultivation from the tribal farmers. A total of 100,000 hill people were affected, few received any compensation and thousands fled to India, 40,000 to 60,000 of them remain in Arunachal Pradesh to this day, stateless.

9. Between 1979 and 1983 a Government transmigration policy brought 400,000 settlers into the Hills to areas where there was no land for them. Not only had the people lost 40 per cent of their land, but they were now squeezed out of what little had been left to them.

10. A guerrilla movement of the hill people, known as the Shanti Bahine, took to arms against the Bangladesh army and the settlers. The military has carried out counter-insurgency activities, and for over 10 years accounts of massive human rights violations have emerged from the area with questions raised at the United Nations and the International Labour Organisation.

11. In 1989 the Bangladesh Government brought in a new District Council law, claiming that councils led by predominantly tribal people would bring autonomy

to the Hill Tracts. However, the very limited power of the Councils and their establishment by force has greatly discredited their claim as autonomous bodies.

12. The following are the conclusions contained in the Commission's report:

1. Although multi-party democracy has returned to Bangladesh, the Chittagong Hill Tracts are under military control.
2. There have been massive violations of human rights of the hill people in the Chittagong Hill Tracts.
3. In spite of repeated military and governmental statements that violations of human rights will not continue, attacks by military and Bengali settlers continue.
4. People live in order to function in the oppressive situation in which they find themselves.
5. The settlement of Bengalis from other parts of Bangladesh has led to massive violations of property rights of hill people.
6. There is a massive and largely involuntary reorganization of both hill people and Bengali occurring in the Chittagong Hill Tracts into "cluster villages".
7. There is a constant denigration of the economic, social and cultural characteristics of the hill people by Government, military and settlers.
8. There are very serious threats to the ecology taking place in the Chittagong Hill Tracts.
9. There have been serious problems with the process of developing the new system of District Councils in the area.

13. The following are the recommendations of the Commission:

1. Land issues and the presence of the Bengali settlers

- (a) No further settlement in the Chittagong Hill Tracts by outside settlers should be permitted. Voluntary relocation should be discussed in the context of foreign aid support;
- (b) The cluster villages should be dismantled immediately;
- (c) A neutral investigation of title to land and of illegally occupied land should take place;
- (d) An assessment of the carrying capacity of land in the Hill Tracts should be undertaken;
- (e) The law should recognize the authority of Government in the Chittagong Hill Tracts.

2. Autonomy

- (a) The Chittagong Hill Tracts must be demilitarized;
- (b) Autonomous political institutions, stronger than the now existing District Councils, should be established;
- (c) There should be a referendum in the Chittagong Hill Tracts on autonomy with the voting confined to hill people;
- (d) Present District Council laws should be repealed or amended. There should also be constitutional protection of any future autonomous Government.

3. Human rights violations

The report of the Commission clearly documents massive human rights violations in the Chittagong Hill Tracts which constitute a genocidal process. Hill people have been murdered, crippled, raped, tortured, imprisoned and deprived of their homes and means of livelihood. They have been denied civil and political rights. They have been denied economic, social and cultural rights. There has been extensive and massive illegality in land matters under Bangladesh law. The Commission recommends a continuing monitoring body to continually monitor human rights in the Chittagong Hill Tracts. As Special Rapporteur of the United Nations should be named by the United Nations Commission on Human Rights supplemented by continuing investigations by the ILO and competent NGOs.

B. Socialist International Women

Resolution on indigenous peoples and the Americas adopted in New York on 5/6 October 1990

14. No discussion of global poverty can be complete without examining the plight of indigenous peoples around the world. In country after country, whether in the industrialized North or the developing South, it is the indigenous people of those lands that suffer most. On them a double burden of poverty falls. Globally, we see a trail of unresolved land claims and entitlements, destruction of culture and language, displacement and abject poverty especially for children, whether their country is rich or poor.

15. Canada is a case in point. This summer Canada faced a major crisis with their own native peoples. The blockade at Oka, Quebec to save a piece of sacred land has only focused attention on the problems for indigenous peoples, it has not even begun to solve them. Words will not work anymore - now there can only be action to begin to address aboriginal concerns.

16. In the United States, the federal Government has a long history of broken treaties with native Americans. Native lands, even sacred lands, have been appropriated by private industry and Government for use in mining, manufacturing and waste disposal. Inadequate services have resulted in high infant mortality rates, shortened life spans, high unemployment and extreme impoverishment in native American communities.

17. Another example worth mentioning are Latin American indigenous ethnias who suffer the worst injustices and exploitation, being constantly denied the most elementary of human rights.

18. There are many countries with a similar history. As we approach 1992, we will be commemorating the five hundredth anniversary of Columbus' voyage to America. There are many different perspectives on this commemoration since some indigenous peoples are still, after 500 years, the victims of dislocation, disease, poverty, suffering the destruction of their lands used as toxic waste dumps and the destruction of rain forests.

19. Socialist International Women calls on all member parties to ensure that indigenous peoples are able to tell their story and tragedy by providing equal funding and support to these groups during the 1992 commemorations. We call on Governments around the world to take action on the outstanding issues of land claim settlements, human rights, political rights and personal safety of indigenous peoples. We call on our member parties ... to become advocates for these issues. Socialist International Women urges the United Nations to focus attention on the plight of indigenous peoples in 1992.

20. Now we must act in solidarity. As an organization that values human rights as one of the basics of our movement, we call on each member to support morally and financially the indigenous peoples in their struggle to tell their story of 500 years of oppression and to work for justice for indigenous peoples and ensure a cultural, social and economic future.
